LEGISLATIVE PERFORMANCE OF JHARKHAND VIDHAN SABHA: A COMPARATIVE ANALYSIS OF THE SECOND AND THIRD ASSEMBLY

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STATE OF THE ART

Legislature is the law making branch of a government. It also controls the government and enjoys the power of discussing and approving the budget. It is the core of all democratic political process. A real democracy cannot be imagined without a representative and effective legislature. It is recognised as an open forum of debate.

Legislature is a general term. It is called by different names in different countries such as 'Diet' in Japan, 'Jatiya Sangsad' in Bangladesh, 'Parliament' in Britain and 'Congress' in USA.

Lord Bryce in his work 'Modern Democracies' underlined the significance of legislature. According to him, legislatures are an indispensable part of the government machinery. Michael Ameller has also followed the same line of argument. According to the former President of India, Shri K.R. Narayanan, "Parliament and Legislatures constitute the head and front of the body-politics in India. They are the institutional embodiments of the audacious experiment in democracy by the founding fathers of our republic."

The history of legislature is quite old. In many ancient civilizations there is an evidence of people gathering to discuss important matters, such as in the ancient Mesopotamia as far back as 2500 BCE. Ancient Greece and Rome had some of the first assemblies representing the modern Parliaments. Around 500 BCE, the Greeks established an Ecclesia that met 40 times in a year and was attended by male citizens. The Roman Republic that was founded around 509 BCE was ruled by two elected Consuls which acted on the advice of the Senate that comprised of 300 members from aristocracy. In the middle ages, European kings used to host assemblies of the nobility. This became the predecessor of modern legislatures.

The Central Legislative Assembly was the lower house of the Imperial Legislative Council which was the Legislature of British India and it was created by the Government of India Act 1919. The Council of a state was the upper chamber of the legislature. Due to the independence

of India, the Legislative Assembly was dissolved on 14th August 1947 and it was replaced by the Constituent Assembly of India and the Constituent Assembly of Pakistan. The legislature also included legislative bodies in the presidencies and provinces of British India. Legislatures of British India were the predecessors of modern parliamentary democracy in India.

The Parliament of India is the supreme law making body of the Republic of India. It is a bicameral legislature consisting of the two houses, the Rajya Sabha (Council of States) and the Lok Sabha (House of the People). The Parliament has a strength of 543 in the Lok Sabha and 245 in the Rajya Sabha.

The Vidhan Sabha is a legislative body in the states and union territories of India. It is the supreme legislative body in 28 states and 3 union territories. In India there are five union territories which are governed directly under the Government of India and therefore they have no legislative body. Each member of the Vidhan Sabha (MLA) is directly elected for a 5 year terms from single member constituencies.

Jharkhand Vidhan Sabha: An Overview

The state of Jharkhand was carved out from Bihar on 15th November 2000 after a long battle. There after on 20th November 2000 Jharkhand vidhan sabha came into existence. It is a unicameral body. The history of Jharkhand is more than a century old. It is the land of popular movements. Marang Gomke Shri Jaipal Singh Munda who was the captain of Indian hockey team in the Olympic games and also a member of the Constituent Assembly saw the dream of creating a separate state of Jharkhand by merging some southern districts of the erstwhile Bihar long back in 1939. This dream got fulfilled when on 2nd October 2000, the Parliament of India passed a bill to create a separate state of Jharkhand. Thereafter on 15th November 2000, on the birth anniversary of great freedom fighter 'Dharti Aaba' Birsa Munda Jharkhand was created as the 28th state of India.

The present vidhan sabha bhawan is located at Village Kute, District Ranchi. It was inaugurated by the Prime Minister Shri Narendra Modi on 12th September 2019. It is spread across 39 acres of land. There are total 81 elected MLA's in the vidhan sabha.

The 1st Jharkhand Assembly was constituted based on the 2000 Bihar Legislative Assembly election after the formation of the new Jharkhand state. It was a hung assembly and no single party or pre-election alliance got the majority. The 2005 Jharkhand Legislative Assembly election was the first one being conducted in Jharkhand.

The biggest challenge the state and the vidhan sabha has faced is political instability until 2014 and frequent disruptions.

Second Jharkhand Vidhan Sabha

The second Jharkhand vidhan sabha is the first elected vidhan sabha of Jharkhand. The election was conducted in three phases. BJP emerged as the single largest party with 30 members followed by its ally, JDU with 6 seats. JMM with 17 seats stood at the second position. Congress secured 9 seats, RJD secured 7 seats, AJSU secured two seats, Forward Block secured two seats, UGDP got two seats, NCP got one seat, Jharkhand Party got one seat, CPIML got one seat and 3 seats were won by the independents. Overall the people of Jharkhand did not give any single political party the mandate to form the government.

Shri Shibu Soren, the leader of JMM claimed to form the government but he could not get the required numbers. So after taking oath as the Chief Minister he had to resign within 10 days. Thereafter Shri Arjun Munda headed BJP led coalition government and he became the chief minister for the second time. However this coalition lasted together for about a year and a half. Diffraction from the coalition ranks led to the resignation of Munda in 2006. Then another coalition government was formed by JMM. And for the first time in the country the government was led by an independent MLA Shri Madhu Koda. The government lasted for 2 years till JMM withdrew support and its leader Shri Shibu Soren became the Chief Minister for the second time in 2008. But during this time Soren was not a member of the vidhan sabha. To continue as the Chief Minister Soren had to become a member of the vidhan sabha within 6 months. However he lost a by election in January 2009. As a result Soren had to resign from the CM post and this led to the imposition of President's rule in the state. (From January, 2009 to December, 2009). The President's rule continued till December 2009 when Jharkhand went to the polls for the second time.

12 sessions were organised during this vidhan sabha tenure. In the first session 7 working days, in the second session 20 working days, in the third session 7 working days, in the 4th session 15 working days, in the fifth session 10 working days, in the 6th session 5 working days, in the 7th session 16 working days, in the 8th session 4 working days, in the 9th session 4 working days, in the 10th session 19 working days, in the 11th session 6 working days and in the 12th session 5 working days.

In the year 2005, 34 meetings were held, in the year 2006, 30 meetings were held, in the year 2017, 24 meetings were held, in the year 2008, 30 meetings were held and in the year 2009 no meeting was conducted. It is to be noted that in an important meeting of Lok Sabha on 25th November 2001 it was decided that at least 50 meetings must be conducted per year for small legislatures.

In this vidhan sabha tenure total 6977 questions were accepted out of which 1829 questions were short notice, 3206 questions were starred and 1328 questions were unstarred. Total 651 questions were answered orally, 3007 questions were answered in writing. 996 calling attention notices were received out of which the government gave reply on 469 notices. 74 bills were passed. 6 bills were taken back. During this time total 19 special committees were formed.

Third Jharkhand Vidhan Sabha

On December 23rd 2009, the election result was declared for the third vidhan sabha and again the result was a hung assembly in the state. The BJP got 18 seats while JMM and Congress secured 18 and 14 seats respectively. For the first time Jharkhand Vikas Morcha Prajatantrik contested and got 11 seats. JDU got two seats, AJSU got 5 seats while RJD got 5 seats. Many stalwart leaders lost this election. No party or alliance could cross the majority.

BJP and JMM formed the government together. Shri Shibu Soren took the oath of Chief Minister. The government collapsed when the BJP withdrew its support to the government. After a brief President's rule in the state, Shri Arjun Munda from the BJP, for the third time became the Chief Minister. But due to the disagreements he could run the government just for 2 years and 4 months only. Then again President's rule was imposed in the state. (From January, 2013 to July, 2013). Here after JMM formed a coalition with INC and Shri Hemant Soren became the Chief Minister and he continued for another year and a half.

In the third vidhan sabha a total of 14 sessions were conducted and during this period 107 meetings were held. The first session had 5 meetings, the second session had 19 meetings, the third session had 1 meeting, the fourth session had 3 meetings, the fifth session had 16 meetings, the sixth session had 5 meetings, the seventh session had 5 meetings, the eighth session had 18 meetings, the ninth session had 5 meetings, the tenth session had 5 meetings, the eleventh session had 4 meetings, the twelvth session had 6 meetings, the thirteenth session had 10 meetings and the fourteenth session had 5 meetings. The third session was the shortest. It was of just one day while the second session was the longest comprising of 19 meetings. In this period 75 bills were passed. The committees presented 96 reports. A total of 442 calling attention notices were received and the government took cognizance of 241 notices. 1525 short notice questions, 4303 starred questions and 1415 unstarred questions were received.

REVIEW OF LITERATURE

1. **D.D. Basu (2022)**, **Introduction to the Constitution of India**. In this book the author has traced the constitutional history of India since the Government of India Act, 1858, analysed the provisions of the present Constitution and explained the interrelation between its diverse contents. He gives an account of the working of each of the provisions of the Constitution during its first decade, with reference to statutes and decisions wherever necessary, together with a critical estimate of its trends.

2. **Samaraditya Pal (2019)**, **India's Constitution –Origins and Evolution (Constituent Assembly Debates, Lok Sabha Debates on Constitutional Amendments and Supreme Court Judgments)**. In this book the author traces the evolution of each provision of the Constitution of India in the light of the Constituent Assembly Debates, Lok Sabha Debates on Amendments and significant Supreme Court judgements.

3. **Subhash C. Kashyap (2019)**, **Our Constitution- An Introduction to India's Constitution and Constitutional Law**. In this book the author analyses the Constitution as it has grown and worked, and the Constitutional Law as it developed through judicial interpretations.

4. **Granville Austin (1999)**, **The Indian Constitution: Cornerstone of a Nation**. In this book the author provides a history of the Indian Constituent Assembly. It discusses how and why the members of the Assembly wrote their constitution as they did.

5. **Ronojoy Sen (2022)**, **House of the People: Parliament and the Making of Indian Democracy**. Here in this book the author provides insights into Indian parliament and democracy. He seeks to answer two questions: Is the Indian Parliament working to articulate the diverse demands of the electorate and translate them into legislation and policy? To what extent has the Indian democracy transformed the institution of parliament and its functioning?

6. **Subhash C. Kashyap (2021)**, **Our Parliament**. Subhash C. Kashyap, who is a former Secretary-General of the Lok Sabha Secretariat (1984-1990), as well as a former Secretary-General of the 7th, 8th and 9th Lok Sabha, has framed a detailed account of the functioning of Indian government. It is a complete narration of the evolution of Indian Parliament from beginning to its present form. The Indian Parliament is divided in two divisions, such as the Lok Sabha and the Rajya Sabha. The Rajya Sabha is the upper house of the Parliament, whereas the Lok Sabha is the lower house. The book briefly explains the roles and responsibilities of both the houses. Following the major functions that both houses perform, the book further demonstrates their hierarchy, minimum qualification required to become a member of either house, the total number of seats they have and the different sessions that are held in them. It also mentions about the election process in India, as well as lists some popular former members of the Parliament and the duration of their service period.

7. **Dr. Shiw Balak Prasad (2021)**, **Working of Indian Parliament Theory and Practice**. The author in this book has tried to impartially evaluate the Parliament of India using empirical facts.

8. **Devesh Kapur and Bhanu Pratap Mehta (2006)**, **The Indian Parliament as an institution of accountability**. In the work of Devesh Kapur and Bhanu Pratap Mehta, they examine the institutional challenges facing the Indian Parliament. It argues that over the years there has been a decline in the effectiveness of Parliament. Instruments of accountability are being rendered dysfunctional. The weakness of parliament has slowed down the legislation.

9. **PRS Legislative Research (2014)**, **Performance of Parliament during the 15th Lok Sabha**. The article argues that the 15th Lok Sabha witnessed a decline in the time spent on

legislation due to frequent disruptions. Several cases of allegation was charged against the government and hence the house was continously disrupted. This article provides details of bills passed, pending and lapsed. It also gives data on the time spent on discussion.

10. **Sadia Hussain (2022)**, **Performance of Women in Parliament A Quantitative Study of the Questions Asked by Women Members in Lok Sabha (1999–2019)**. In this article Sadia Hussain provides a quantitative analysis of women's political performance during the Question Hour session, which is considered as an important plenary space where legislators act on their own, free from the party regulation.

11. **Saibal Ghosh (2018)**, **An index of legislators' performance: evidence from Indian parliamentary data**. In this book the author employs information on legislators of the 15th Lok Sabha elections in India, proposes a Legislator Performance Index (LPI). Based on the computed index, he classify legislators as those with low, medium and high performance. Subsequently, he link this index with various covariates within a multivariate regression framework. The findings lend credence to the fact that legislator background is a key factor explaining performance. Besides, the results also suggest that, in conjunction with background, variables such as age, asset position and the reservation status of a constituency play an important role in influencing legislator performance.

12. **Dr. M. Manisha (2015)**, **Lok Sabha and Law Making, International Journal of Humanities, Social Sciences and Education**. In this article, Dr. M. Manisha examines the changes in the efficiency of lok sabha as a law making body and explores the context in which such changes have taken place.

13. **B.L. Shankar and Valerian Rodrigues (2011)**, **Introduction: India's Parliamentary Democracy and its Critics, Oxford Academic**. In this book the authors B.L. Shankar and Valerian Rodrigues first explores the crafting of the Indian Parliament as an idea and as an institution over time. They then examine the transformation of the social composition of Parliament over the years with focus on the 1950s, 1970s, and 1990s, and traces the shift that has taken place in the Parliament from 1950 to the present with regard to the idea of representation. They discuss the shift in language that occurred over the years as the mode of expression in the

House, national identity and plural identities, the Lok Sabha in comparison with the Rajya Sabha, and in-House reproduction of the Lok Sabha.

14. **Anil (2014)**, **Legislative Performance of State Assemblies, PRS Legislative Research**. In this article Anil argues that a brief look in to the performance of some of our state assemblies reveals that these institutions which form the cornerstones of our democracy need some serious attention. He says that inadequate number of sitting days, lack of discussion on Bills, and passing of the Budget and demands for grants without discussion are symptoms of institutional ennui and do not do justice to the enormous import of these legislative bodies. Serious thought and public debate is needed to reinvigorate these 'temples of democracy' and provide elected representatives with the opportunity to exercise their right to legislative scrutiny, hold government to account, and represent their constituents.

15. **Mathew J. Webb. and Albert Wijeweera (2012)**, **Correlations in Party Performance in State Legislative Assembly and Subsequent National Parliamentary Elections in India, 1980–2009, South Asia Journal of South Asian Studies, Volume 35, Issue 3**. In the work of Mathew J. Webb and Albert Wijeweera, they examine correlations in party performance in India for political parties that contested legislative assembly and federal parliamentary elections held within the following eighteen months during the period between 1980 and 2009. The results are analysed according to a range of variables, including type of party and voter turnout. The study's finding that, across party types, there is a strong and statistically significant correlation in party performance between the two elections provides empirical corroboration of prior studies that have suggested the existence of enduring linkages between politics at the state and federal levels. It also offers some validation for the popular media's and others' preoccupations with the outcome of legislative assembly elections as indicators of subsequent parliamentary polls.

GAPS IN THE EXISTING LITERATURE

The researcher finds out that there has been a very limited amount of research on legislative performance. And even if something has been done in this field then most of them are related to the performance of union Parliament. State Assemblies have not been provided much attention.

Jharkhand was formed 23 years ago but no literature is available on the legislative performance of its vidhan sabha. No research in this field has been conducted yet.

PROBLEMS TO BE INVESTIGATED

Jharkhand has had an unstable political history. It has had 11 Chief Ministers in its 23 years. The time period from 2005 to 2014 was most turbulent. In the light of political instability, problems to be investigated are as follows.

● What was the legislative output of vidhan sabha from 2005 to 2014?

● Was the legislative body able to conduct its business with maximum efficiency and output? What was the set target?

● If it lagged behind, then which are those areas?

● How can we correlate the legislative output with the political instability during the above period?

OBJECTIVES OF THE INVESTIGATION AND MOTIVATION

The researcher is motivated to carry the research because in the present time efficiency, achievement and performance matter the most. The researcher feels that Jharkhand vidhan sabha has not been able to harness its full potential due to the political instability and frequent President's rule in the state. States like Uttarakhand and Chhattisgarh are way ahead of us although the three were created in the same year. Moreover there has been a limited research in the field, so it's a need to get an insight into the performance of vidhan sabha.

The main objectives are as follows:

● To explore the legislative output of each session in terms of bills introduced and passed, questions raised and answered, amendments and ordinances introduced and passed on the floor of house.

● To find out the number of days and working hour of each session.

● To find out the attendance of members in each session. In the light of this, to find out the extent of opposition involvement in legislation during both the tenures.

● To explain the role of legislative committees in holding the government accountable and monitoring the policy implementation.

HYPOTHESIS

1. The legislative output of Jharkhand vidhan sabha was low during the second and third assembly.

2. Frequent disruptions and change in the government affected the quality and quantity of legislation during the second and third Jharkhand vidhan sabha.

RESEARCH DESIGN AND METHODOLOGY

The nature of research is comparative, exploratory, descriptive, analytical and historical.

It's comparative in the sense it has to compare the two tenures of vidhan sabha in terms of their legislative output.

The research is exploratory as new findings are to discovered based on empirical data. Much research in this area has not been conducted yet.

It's descriptive as it has to describe in depth the output achieved during each session. What was the target and what was achieved.

This is analytical in the sense it has to analyse the overall legislative performance in terms of the productivity of each session.

This is historical as it is based on empirical data based on past tenures of vidhan sabha from 2005 to 2014, gathered from primary and secondary sources.

TOOLS TO BE USED IN THE COLLECTION OF DATA

This research work will be primarily based on primary and secondary data.

● **In primary data**:- For primary data collection an open ended interview shall be conducted. The sample size would be 50 (approximately) and population consisting of former legislators from several parties, former committee members, government officials, former opposition leaders, journalists, subject experts etc to be selected by stratified random sampling (10 former legislators, former opposition leaders and former committee members, 10 government officials, 15 journalists, 15 subject experts)

● **In secondary data**:- Bills and acts, Parliamentary records, Legislative journals and minutes, Government reports, Books, survey, diary, historical documents, research journals, magazines and newspaper report would be the secondary data sources

SIGNIFICANCE OF THE STUDY

Research on legislature would give an insight into the performance of Jharkhand vidhan sabha from 2005 to 2014. Are we able to utilize the ability of our legislators who represent almost 3 lakh voters. If not, then why? More people and especially the policy makers will get to know about the achievements and shortcomings of the law making body.

It's relevance to the present day problem and need of the society

Jharkhand has seen ups and downs since its inception. Much of the time it has witnessed disruptions in the form of political instability and President's rule. Hence it is to be evaluated what was the quantity of legislative output, considering the time period of second and third vidhan sabha. Because today efficiency, achievement and performance matter the most.

Contribution to the existing knowledge

This research work will enrich the knowledge in the field of political science since this has been the least focused area by political scientists. The study would also contribute significantly in the existing stock of knowledge.

FUTURE WORK

No theory is absolute. Future researchers can analyse the legislative performance of the present Jharkhand vidhan sabha and compare it with the past tenures. It is significant here that at present we have a stable government in the state and there are least disruptions.

TENTATIVE CHAPTERS

Chapter 1: Overview about the Jharkhand vidhan sabha prior to 2004.

Chapter 2: Legislative performance of the second vidhan sabha.

Chapter 3: Legislative performance of the third vidhan sabha.

Chapter 4: Comparative Analysis

Chapter 5: Critical Evaluation

Chapter 6: Conclusion

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